

JUL 18 2017

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND BY

AT BALTIMORE  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
DEPUTY

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IN THE MATTER OF THE SEARCH AND  
SEIZURE WARRANT FOR EZSTORAGE  
UNIT 3715, LOCATED AT 3006 DRUID  
PARK DRIVE, BALTIMORE, MD 21215

Case No. \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A  
SEARCH AND SEIZURE WARRANT**

I, DOUGLAS P. KRIETE, being first duly sworn, do hereby state and declare as follows:

**INTRODUCTION**

1. This affidavit is submitted in support of a warrant to search and seize evidence from a storage facility, EZStorage Ashburton, Unit #3715, located at 3006 Druid Park Drive, Baltimore, Maryland 21215 and listed to David ROBINSON. The location to be search is described more fully in Attachment B. and the items to be seized are identified in Attachment A. ROBINSON is under indictment in this district for Conspiracy to Distribute and Possess With the Intent to Distribute Oxycodone and Alprazolam in violation of 21 U.S.C. § 846 and several counts for distribution of those controlled substances in violation of 21 U.S.C. § 841. Your Affiant believes that there is probable cause to believe that EZStorage Ashburton Unit #3715 is being used to store evidence of or proceeds from these crimes.

**YOUR AFFIANT**

2. Your Affiant, Task Force Officer ("TFO") Douglas P. Kriete, has been a duly sworn member of the Baltimore County Police Department for over thirty-four (34) years. During this tenure, your Affiant has been assigned to the Accident Reconstruction Unit and the Vice/Narcotics Section. From May 1988 until the present, your Affiant has been assigned to the Vice/Narcotics Section (specifically Narcotics) of the Criminal Investigation Division of the Baltimore County Police Department. Since August 2014, your Affiant is currently assigned to the Baltimore District Office of the Drug Enforcement Administration Tactical Diversion Squad ("DEA TDS"), specifically Group 50.

3. While working in an undercover capacity, your Affiant Kriete has made a minimum of three hundred (300) hand to hand purchases of controlled dangerous substances ("CDS") (*i.e.* cocaine, marijuana, heroin, phencyclidine and prescription medications) from known and suspected narcotics violators. Your Affiant has also participated in excess of two hundred (200) controlled purchases of CDS from known and suspected narcotic violators, which involved the assistance of informants.

4. During your Affiant's tenure with the Baltimore County Police Department, he has participated in the writing, preparation, and execution of over four hundred and fifty (450) search and seizure warrants, which have resulted in the seizure of large quantities of CDS, assorted items of packaging materials, paraphernalia related to the narcotics trade, ledger sheets, customer lists, currency and weapons used in the furtherance of illegal narcotics trafficking. Your Affiant has assisted or made over five hundred (500) arrests for criminal violations dealing with the CDS laws of the following states: Maryland, California, New York, Florida and Texas.

5. Your Affiant has participated in thirty (30) prior investigations that have utilized court-ordered interception of wire communications as an investigative tool, and is thereby familiar with the lawful use of electronic and wire surveillance equipment in furtherance of an investigation into suspected CDS violations. Those thirty (30) court-ordered wiretaps resulted in large quantities of CDS, currency, and properties that were seized as a result of said investigations. Your Affiant is also familiar with the packaging implements and other paraphernalia utilized in CDS distribution and abuse. Your Affiant, through these experiences, has lawfully monitored intercepted conversations, interpreted drug-related jargon used by CDS violators into layman's language, reviewed logs of intercepted calls for compliance with minimization guidelines, supervised physical surveillance done in conjunction with electronic surveillance, prepared progress reports for the benefit of the judge supervising the interception of wire communications, and overseen the day-to-day operation of the

monitoring site.

6. As a result of his law enforcement experience, your Affiant has debriefed over three hundred (300) defendants, cooperating witnesses, and others who have had experience in the CDS distribution, packaging, enforcement of the operation, and abuse. Consequently, your Affiant has become familiar with the phraseology and practices of those who abuse and illegally distribute CDS.

7. Your Affiant has successfully completed eighty (80) hours of training in the field of narcotics regarding the identification, distribution and packaging of different types of CDS while in the Baltimore County Police Academy.

8. In addition, your Affiant has successfully completed additional training. For instance, your Affiant attended a one-week Basic Investigators School offered by the Baltimore County Police Department in September 1984. In March 1991, your Affiant also attended a two (2) week Narcotics Investigators School sponsored by the Drug Enforcement Administration. Among the topics covered in the courses were the identification, investigation, packaging, paraphernalia, street jargon, value, and field-testing of suspected CDS. In June 1993, your Affiant also attended a three (3) day Undercover Narcotics School sponsored by the Maryland State Police.

9. Additionally, your Affiant has attended several seminars on the effects and identification of CDS. For instance, your Affiant successfully completed a three (3) day seminar sponsored by the Baltimore County Police Department that focused on the lawful use of electronic and wire surveillance as an investigative tool November 1991.

10. In January 1996, your Affiant was assigned to a Federal Drug Enforcement Task Force, specifically Mass Transportation. Your Affiant was assigned to the Baltimore/ Washington International Airport regarding drug interdiction. During this assignment, your Affiant intercepted and seized large quantities of marijuana, cocaine, and heroin from drug couriers. Your Affiant has seized approximately a half million dollars in United States currency from couriers traveling to source

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states. Consequently, your Affiant de-briefed and interviewed those couriers, thereby becoming familiar with the methods, phraseology, and practices of organizations illegally distributing CDS within the United States.

11. In January 2001, your Affiant was assigned to a Federal Drug Enforcement Task Force, specifically Group 54, Violent Drug Traffickers. During this assignment, your Affiant intercepted and seized large quantities of marijuana, cocaine, and heroin from violent drug traffickers. In addition, your Affiant was the affiant of three (3) court-ordered wiretaps for both audio and wire interceptions of communications that resulted in arrest of drug trafficker and CDS seizures.

12. In January 2005, your Affiant was assigned to the Baltimore County Narcotics-Diversion Squad. During his tenure, your Affiant identified doctors, nurses, pharmacist, police, emergency personnel, attorneys, and pharmacy technicians who were fraudulently uttering, distributing, or abusing pharmaceutical medications.

13. From August 2014 to the present, your Affiant was assigned to the Baltimore District Office of the Drug Enforcement Administration TDS, specifically Group 50. During this tenure, your Affiant identified doctors, nurses, pharmacist, police, emergency personnel, attorneys, and pharmacy technicians who were fraudulently uttering, distributing, or abusing pharmaceutical medications across state boundaries in large quantities.

14. Your Affiant has taught CDS identification and current trends of CDS distribution at throughout the United States and at the Baltimore County Police Academy, including, but, not limited to, the In-Service Training level. In addition, your Affiant has taught at local and state community education establishments about the inherent effects of CDS.

15. Your Affiant also knows that drug dealers, who have advanced into the new era of technology, often store drug-related records electronically on computers and computer-related equipment, such as disk and drives. Your Affiant is also familiar CDS traffickers' use of pagers,

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cellular telephones, and communication systems.

16. Your Affiant has been qualified as an expert in the field of narcotics in the states of Maryland, California, Texas and Virginia. Your Affiant has also been qualified and recognized as an expert in the areas of identification, investigation, packaging, paraphernalia, street jargon, value, and field testing of suspected CDS in the state and federal court.

**PROPERTY TO BE SEARCHED**

17. The property to be searched is EZStorage Ashburton, Unit #3715, located at 3006 Druid Park Drive, Baltimore, Maryland 21215, and rented by David ROBINSON.

**PROBABLE CAUSE**

18. As noted above, this affidavit is made in support of an application to search EZStorage Ashburton, Unit #3715, located at 3006 Druid Park Drive, Baltimore, Maryland 21215. Because this affidavit is being submitted for the limited purpose of obtaining a search and seizure warrant for the aforementioned storage facility, this affidavit does not include each and every fact known to your Affiant or to the Government. Instead, your Affiant has set forth only those facts necessary to support probable cause for the relief sought herein.

19. On June 21, 2017, ROBINSON was indicted by a Grand Jury in the District of Maryland for Conspiracy to Distribute and Possess With the Intent to Distribute Oxycodone and Alprazolam in violation of 21 U.S.C. § 846 in addition to eight counts of the distribution of Oxycodone and/or Alprazolam in violation of 21 U.S.C. § 841. As detailed in the indictment and the affidavit, ROBINSON owns and operates Frankford Family Pharmacy. During the course of this investigation, law enforcement used a confidential source to make several controlled purchases of Oxycodone and Alprazolam from ROBINSON at the Frankford Family Pharmacy. The substantive counts related to the following controlled purchases are as follows:

- Count Two - January 15, 2016 distribution of alprazolam, a Schedule IV controlled

substance;

- Count Three – January 19, 2016 distribution of alprazolam, a Schedule IV controlled substance;
- Count Four – February 23, 2016 distribution of alprazolam, a Schedule IV controlled substance;
- Count Five – March 9, 2016 distribution of oxycodone, a Schedule II controlled substance, and alprazolam, a Schedule IV controlled substance;
- Count Six – April 20, 2016 distribution of oxycodone, a Schedule II controlled substance, and alprazolam, a Schedule IV controlled substance;
- Count Seven – May 11, 2016 distribution of alprazolam, a Schedule IV controlled substance;
- Count Eight – June 6, 2016 distribution of oxycodone, a Schedule II controlled substance, and alprazolam, a Schedule IV controlled substance; and
- Count Nine – July 29, 2016 distribution of alprazolam, a Schedule IV controlled substance.

20. On June 23, 2017, as part of this investigation, Task Force Officer Glenn Hester of DEA TDS submitted an extensive affidavit in support of applications to the Honorable Magistrate Judge Stephanie Gallagher for multiple search and seizure warrants for David ROBINSON's I-Phone cellular telephone; his business known as Frankford Family Pharmacy, located at 5422 Sinclair Lane, Baltimore, Maryland 21206; and his residence, located at 4 Coralberry Court, Baltimore, Maryland 21209. On June 26, 2017, Magistrate Judge Gallagher issued those warrants.

21. Based on a confidential source's controlled purchases at Frankford Family pharmacy, your Affiant and investigators believe that ROBINSON has generated large amounts of cash through the illegal operations at Frankford Family Pharmacy. On June 27, 2017, law enforcement officers of DEA TDS executed the search and seizure warrants issued by Magistrate Judge Gallagher. They located and seized at ROBINSON's residence—4 Coralberry Court, Baltimore, MD 21209—the following: (1) a Sentry safe containing \$143,862.00 in United States currency along with various

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documents and paperwork; and (2) \$16,000.00 in United States currency from the downstairs master bedroom in ROBINSON's dresser drawer. During the execution of the search warrant for ROBINSON's residence, law enforcement officers of the DEA TDS also seized ROBINSON's 2011 BMW there. During the inventory of the vehicle, they located \$46,927.00 in United States currency, blank prescriptions, a prescription pad, and a 9mm handgun. Finally, those officers seized \$60,486.00 in United States currency, Eagle Arms AR-15 with a magazine, several boxes of ammunition for the weapon, and various records, invoices and receipts, among other items, from the Frankford Family Pharmacy, among other items.

22. On June 27, 2017, Bank of America responded to a subpoena and advised that ROBINSON rented Safe Deposit Box #8110014537, located at Bank of America, Roland Avenue Banking Center, 4800 Roland Avenue, Baltimore, MD 21210.

23. On June 27, 2017, TFO Hester submitted an affidavit in support of an application for a search and seizure warrant for Safe Deposit Box #8110014537 to Magistrate Judge Gallagher, who approved the warrant. On June 28, 2017, law enforcement personnel of the DEA TDS responded to the Bank of America, 4800 Roland Avenue, Baltimore, MD 21210 and served the search warrant on the Safe Deposit Box #8110014537. TFO David Metzler used the Mosler key in the possession of ROBINSON at the time of his arrest to unlock that safe deposit box and found \$25,041.00 in United States currency, several packs of silver coins, a pack of gold coins, and a document in the name of David A. ROBINSON, 4 Coralberry Court, Baltimore, MD 21209, in that safe deposit box.

24. On June 28, 2017, TFO Hester learned that ROBINSON has an interest in a storage facility. The storage facility has been identified as EZStorage Ashburton, Unit #3715, 3006 Druid Hill Park Drive, Baltimore, MD 21215, as described more fully in Attachment B. Officers assisting in the investigation responded to the EZStorage location and determined that Unit #3715 is a 5 x 10 storage unit and listed to David ROBINSON, 11/14/1968, 4 Coralberry Court, Baltimore, Maryland

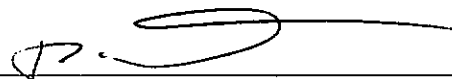
21209, since April, 2015. The storage facility's owner confirmed that the entrance to the area where the aforementioned storage locker is located requires a code. The code issued to ROBINSON was last used on April 10, 2016. Based on your Affiant's training, knowledge and experience, and the on-going investigation, your Affiant believes that ROBINSON is using the described storage unit to store additional records, which will assist your Affiant and law enforcement in this investigation. Based on the amount of currency seized during this investigation, ROBINSON is possibly using Unit #3715 of EZStorage Ashburton to conceal proceeds gained from the distribution and illicit sale of Oxycodone and Alprazolam.

### CONCLUSION

25. For the reasons stated above, your Affiant believes that there is probable cause to believe that (i) ROBINSON engaged in a conspiracy whose object was the illicit sale of Oxycodone; (ii) ROBINSON generated large amounts of cash from his participation in this illegal activity; and (iii) a search and seizure of the above-listed storage unit will provide additional evidence of ROBINSON's illegal conduct as well as the fruits of his illegal activities.


26. WHEREFORE, your Affiant respectfully requests that the Court issue a search and seizure warrant authorizing members of the DEA or their authorized representatives, including, but not limited to, other law enforcement agents and technicians assisting in the above-described investigation, to search and seize the storage unit as described in Attachment B for the items listed in Attachment A, which constitute fruits, evidence, and instrumentalities of Conspiracy to Distribute and Possess With the Intent to Distribute Oxycodone and Alprazolam in violation of 21 U.S.C. § 846 and several counts for distribution of those controlled substances in violation of 21 U.S.C. § 841.





Douglas P. Kriete  
Task Force Officer  
Drug Enforcement Administration

Subscribed and sworn to me on this 30<sup>th</sup> day of June, 2017.



A. David Coppernute  
United States Magistrate Judge

**ATTACHMENT A**

All records and evidence relating to violations of 21 U.S.C. §§ 841 & 846, including the following, may be seized and searched:

1. Documents and records regarding the purchase, receipt, inventory, return (credit), transfer, dispensation, sale, and shipment of controlled substances, including Oxycodone or Alprazolam.
2. All prescriptions, or other orders or requests received for controlled substances, including Oxycodone and Alprazolam. This includes original prescriptions, copies of prescriptions, and facsimiles of prescriptions.
3. Any documents or records related to ordering controlled substances, including Oxycodone and Alprazolam, including, but not limited to, purchase orders, order forms, receipts, DEA 222 Order Forms, CSOS records, shipping records, and payment records.
4. Any documents and records of financial accounts or transactions related to payment for or proceeds from controlled substances, including Oxycodone and Alprazolam. These include account statements, deposits, withdrawals, checks, debits, and wire transfers.
5. Cash or currency.
6. Cellular telephones, PDAs, or other electronic communication or storage devices.

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### ATTACHMENT B

Property to be searched: storage unit #3715 at EZStorage Ashburton, 3006 Druid Park Drive, Baltimore, Maryland 21215. This unit features a white metal ribbed door with white numbers 3715 in a blue placard above the door. The door is secured with a silver lock on the left side. Photographs of this storage unit are below:

